

SUBCHAPTER G: HYDROSTATIC TEST DISCHARGES
§§321.101-321.109

These new sections are promulgated under the authority of the Texas Water Code, §§5.103, 5.105, and 5.120, which provide the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the State and to establish and approve all general policies of the commission.

§321.101. Definitions.

The following words and terms used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

Clean-up wastes--Liquid and solid wastes generated during initial clean-up of used facilities. This includes facility draining, flushing, purging, and chemical and mechanical cleaning wastes.

Discharge--Deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Facilities--Pipelines, tanks, and other vessels used in pipeline transportation, storage, or otherwise containment of raw materials or products.

Grab sample--An individual sample collected in less than 15 minutes.

Hydrostatic test discharges--Discharge into or adjacent to any water in the state of test water that is made following pressure testing of facilities.

New facilities--Facilities which have not previously contained raw materials or products.

TWC--Texas Water Commission.

Used facilities--Facilities which have been used to store, transport, or otherwise contain a liquid or gaseous raw material or product.

Water in the state--Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

§321.102. Applicability.

(a) The purpose of this subchapter is to regulate by rule the discharges into or adjacent to water in the state of hydrostatic test water from facilities.

(b) This subchapter and other permitting requirements are not applicable to:

(1) discharges which are not into or adjacent to water in the state; and

(2) discharge into or adjacent to water in the state of hydrostatic test water from natural gas and crude oil facilities which are regulated by the Railroad Commission of Texas.

(c) This subchapter does not authorize the use of surface water for conducting the hydrostatic test. A separate application for temporary water use shall be submitted, as necessary, to the Texas Water Commission.

(d) For discharges into or adjacent to water in the state located in or within ten stream miles upstream of the Edwards Aquifer recharge zone as defined in Chapter 313 of this title (relating to Edwards Aquifer), separate authorization may be required.

§321.103. New Facilities.

(a) Registration not required.

(1) The test waters may be discharged into or adjacent to water in the state from new facilities without registration provided the following conditions are met:

(A) water used for the hydrostatic test as a minimum is of dischargeable quality as defined by §321.107(3) of this title (relating to Effluent Limitations);

(B) water used for the hydrostatic test does not contain corrosion inhibitors, antifreeze compounds, or other chemical additives;

(C) the discharge is controlled at a rate to prevent flooding and/or erosion of the discharge area; and

(D) the discharge does not cause any nuisance conditions to adjacent land owners along the discharge route.

(2) Individual hydrostatic test discharge registration is not required for new facilities if test waters are disposed of in accordance with §321.104(a) of this title (relating to Used Facilities).

(b) Registration required. Individual hydrostatic test discharge registration is required for new facilities that do not meet the conditions of Subsection (a) of this section and shall be regulated by the requirements in §§321.105-321.107 of this title (relating to Registration; General Requirements for Discharges; and Specific Requirements for Discharges).

§321.104. Used Facilities.

(a) Registration not required. Individual hydrostatic test discharge registration for used facilities is not required under the following provisions:

(1) hydrostatic test water is collected and/or transported to a wastewater treatment system that is permitted by the Texas Water Commission. The hydrostatic test water must be similar to other wastes treated in the treatment system and not likely to cause a permit violation;

(2) hydrostatic test water is collected and/or transported to a publicly owned treatment works permitted by the Texas Water Commission;

(3) hydrostatic test water is collected and/or transported to a disposal well that is permitted by the Texas Water Commission to receive such wastes; or

(4) hydrostatic test water is discharged from facilities which formerly contained only elemental gases (eg. hydrogen, oxygen, nitrogen, etc.) provided the discharge meets the requirements of §321.103(a)(1)(A-D) of this title (relating to New Facilities.)

(b) Registration required. Unless exempted by subsection (a) of this section, individual hydrostatic test registration is required for all discharges from used facilities and shall be regulated by the requirements in §§321.105-321.107 of this title (relating to Registration; General Requirements for Discharge; and Specific Requirements for Discharges).

§321.105. Registration.

(a) Unless exempted by §321.103(a) of this title (relating to New Facilities) or §321.104(a) of this title (relating to Used Facilities), a registration form as provided by the executive director must be submitted to the TWC Austin office prior to a discharge into or adjacent to water in the state. Submittal of the registration form is sufficient notice to initiate discharge in accordance with this subchapter.

(b) In the event of an emergency repair/replacement, a registration form may be submitted within five days after discharge.

§321.106. General Requirements for Discharges.

Unless exempted by §321.103(a) of this title (relating to New Facilities) or §321.104(a) of this title (relating to Used Facilities), the following general requirements apply:

(1) the discharger shall notify the appropriate TWC district office by telephone at least two days prior to discharge. For emergency facility repair or replacement, the discharger shall notify the appropriate TWC district office by telephone as soon as possible;

(2) the discharge shall not cause any nuisance conditions to adjacent landowners along the discharge route;

(3) the discharger shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TWC District Office that the discharge is presenting a hazard to the uses of the receiving water,

the discharger shall terminate such discharge. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the TWC Austin and appropriate district office as soon as possible but no later than 24 hours following their discovery. A written report shall be submitted to the TWC Austin and district offices within five working days. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the reoccurrence of similar problems during other hydrostatic test discharges. The discharge of hydrostatic test water shall not be acutely toxic to aquatic life;

(4) concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state;

(5) any earthen pits or surface impoundments used in conjunction with the disposal of hydrostatic test water shall be properly designed and constructed to prevent percolation and to protect groundwater in the state; and

(6) disposal of solid wastes including cleanup wastes shall be in accordance with the Solid Waste Disposal Act, Article 4477-7.

§321.107. Specific Requirements for Discharges.

Unless exempted by §321.103(a) of this title (relating to New Facilities) or §321.104(a) of this title (relating to Used Facilities), the following specific requirements apply.

(1) Point of discharge.

(A) The discharge shall be to a splash pad to aerate the hydrostatic test water;

(B) All hydrostatic test water shall be discharged through a filter media, such as hay bales, for filtering of suspended solids. The filter media shall be properly located and anchored to prevent bypassing; and

(C) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Monitoring.

(A) The discharger shall maintain authorized personnel at the site at all times to monitor and sample the discharge;

(B) Grab samples shall be collected in wide mouth, clear jars every two hours during the discharge and inspected for the appearance of oil and grease or the detection of a chemical odor. The discharge shall cease immediately if contamination is evident and the appropriate TWC district office shall be notified within 24 hours. The remaining test water shall be evaluated for additional treatment or alternate means of disposal;

(C) At least two grab samples for analysis shall be collected during the discharge. The initial grab sample shall be collected within the first hour of discharge, and the final grab sample shall be collected during the last hour of discharge. Individual samples shall be analyzed for chemical oxygen demand or total organic carbon, and the maximum concentration reported as required in paragraph (4) of this section. The sampling point shall be downstream of the filter media, or following any other treatment unit that may be utilized;

(D) Grab samples for oil and grease analysis shall be collected during the first and last hours of the discharge. Each sample shall be analyzed separately and the maximum oil and grease concentration reported as required in paragraph (4) of this section. The sampling point shall be downstream of the filter media, or following any other treatment unit that may be utilized;

(E) Grab samples for pH analysis shall be collected once each day of discharge and reported as required in paragraph (4) of this section. The sample point shall be downstream of the filter, or following any other treatment unit that may be utilized;

(F) All sample collection shall be conducted according to recommendations found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or Environmental Protection Agency, "Methods for Chemical Analysis of Water and Wastes" (1979), or Environmental Protection Agency, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973); and

(G) Sample containers, holding times, preservation methods and the physical, chemical and microbiological analyses of effluents shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(3) Effluent Limitations.

(A) The following daily maximum effluent limitations apply to all discharges of hydrostatic test water:

<u>Daily Maximum Parameter</u>	<u>Limitation</u>	<u>Sample Type</u>
Chemical Oxygen Demand*	250 mg/l	Grab
Total Organic Carbon*	85 mg/l	Grab
Oil and Grease	15 mg/l	Grab

* Analyze and report either Chemical Oxygen Demand or Total Organic Carbon

(B) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units; and

(C) There shall be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.

(4) Reporting. All analytical results shall be reported to the TWC Austin office on the "Hydrostatic Test Report" form provided by the executive director. All violations of effluent limitations shall be noted on the form and plans discussed to prevent similar violations during other hydrostatic test discharges. Results shall be submitted to the commission within 25 days after termination of the discharge.

§321.108. Restrictions.

This subchapter does not convey property rights of any sort and does not grant any exclusive privilege.

§321.109. Enforcement.

If a discharger fails to comply with the terms of this subchapter, the executive director may take enforcement action as provided by the Texas Water Code, and the rules of the commission.

Effective May 9, 1989